IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITON NO.5103 OF 2005

Sub Divisional Engineer,
Ozarkhed Quality Control,
Sub Division, Nashik. .. Petitioner

v/s.

Shri Somanath Damu Khare .. Respondent

Mr.D.B.Patil for the petitioner.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 29th September, 2005

P.C.

The challenge in this petition is to the order refusing to set aside the exparte award. Reference (IDA) No.1/92 was decided by the Labour Court on 9th October, 1996. It was published soon thereafter. A copy of the award was received by the petitioner on 3rd December, 1996. An application for setting aside the award was filed on 7th May, 1997 being Misc. Application No.4 of 1997. This miscellaneous application was rejected on 10th September, 1998. The reasons given in the order for rejecting the miscellaneous application cannot be faulted. Admittedly, the application for restoration has been preferred beyond then specified date viz. after 30 days of publication of the award. Reliance has been placed by the Labour Court on the judgement in the case of Grindlays Bank Ltd. v. Industrial Tribunal, reported in 1981 I LLJ-327. The conclusions drawn in this judgment have been reiterated by the Supreme Court in the case of Sangham Tape Co.v.

Hans Raj, reported in 2004 (103) FLR, 699.

2. Furthermore, although the order rejecting the application for restoration was passed on 10th September, 1998, the petitioner has filed writ petition seven years thereafter.

3. I see no reason to entertain this petition.

Rejected.

(SMT.NISHITA MHATRE, J.)